



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPR; MNR; MNDC; FF

Introduction

This is the Landlord's application for an Order of Possession; a Monetary Order for unpaid rent and loss of revenue; and to recover the cost of the filing fee from the Tenant.

The Landlord's agent RG gave affirmed testimony at the Hearing. RG provided a copy of a Power of Attorney document in evidence, which was signed by the parties on July 16, 2012. The document indicates that RG and KG may act separately on the Landlord's behalf.

RG testified that the Notice of Hearing documents and copies of the Landlord's evidence package were mailed to the Tenant, via registered mail, to the rental unit on October 9, 2014. RG provided the tracking numbers for the registered documents. She testified that the documents were returned to her on November 4, 2014.

RG testified that the Tenant moved out of the rental unit "at the end of October" and that she took back possession of the rental unit at the beginning of November, 2014.

Section 89 of the Act allows service by way of registered mail. Based on RG's affirmed testimony, I am satisfied that the Tenant was duly served with the Notice of Hearing documents by registered mail. Service in this manner is deemed to be effected 5 days after mailing the documents, October 14, 2014; however, a search of the Canada Post Tracking system indicates that attempted delivery was made, and a notice card left, on October 10, 2014. Based on RG's affirmed testimony, I am satisfied that the Tenant was living in the rental unit when the notice was left indicating where the package could be picked up. Despite being duly served with the Notice of Hearing documents, the Tenant did not sign into the teleconference and the Hearing proceeded in his absence.

Preliminary Matter

The Tenant has moved out of the rental unit and the Landlord has taken back possession of the rental unit. Therefore, **the Landlord's request for an Order of Possession is dismissed.** The Hearing continued with respect to the remainder of the Landlord's application.

Issues to be Decided

- Is the Landlord entitled to a Monetary Order, and if so, in what amount?

Background and Evidence

RG gave the following testimony:

Monthly rent is \$600.00, due on the first day of each month. The Landlord has no record of the Tenant paying a security deposit at the beginning of the tenancy. RG is not certain when the tenancy started. RG stated that the Landlord, her mother, is suffering from dementia and unable to give RG those particulars.

On September 2, 2014, RG served the Tenant with a 10 Day Notice to End Tenancy for Unpaid Rent (the Notice), by hand-delivering the Notice to the Tenant at the rental unit. A copy of the Notice was provided in evidence. The Notice indicates that the tenancy will end on September 12, 2014, if the Tenant does not respond to the Notice or pay the amount of \$1,350.00 for rent due, as follows:

Balance of rent for July, 2014	\$150.00
Unpaid rent for August, 2014	\$600.00
Unpaid rent for September, 2014	<u>\$600.00</u>
TOTAL unpaid rent	\$1,350.00

The Tenant did not dispute the Notice and did not move out on September 12, 2014. The Landlord also seeks a monetary award for loss of revenue for the months of October and November, in the total amount of **\$1,200.00**. GB testified that the Tenant left personal possessions and rubbish at the rental unit.

Analysis

I accept RG's undisputed affirmed testimony in its entirety. The Tenant did not dispute the Notice, did not pay the outstanding rent due, and did not move out of the rental unit until the end of October. Therefore I find that the Landlord has established a monetary claim for unpaid rent and loss of revenue in the total amount of **\$2,550.00**.

The Landlord has been successful in her application and I find that she is entitled to recover the cost of the **\$50.00** filing fee from the Tenant.

Conclusion

I hereby grant the Landlord a Monetary Order in the amount of **\$2,600.00** for service upon the Tenant. This Order may be filed in the Provincial Court of British Columbia (Small Claims) and enforced as an Order of that Court.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: December 08, 2014

Residential Tenancy Branch

